

REMARKS

The Non-Final Office Action mailed January 11, 2008 has been received and reviewed. Each of claims 79-128 stands rejected. Claims 79, 91, 103, and 116 have been amended herein. Claims 79-128 remain pending. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

Rejections based on 35 U.S.C. § 103(a)

A. Applicable Authority

To sustain a rejection of a claim under 35 U.S.C. § 103(a), the Examiner must find that a preponderance of the evidence supports a finding of obviousness. The Examiner bears the initial burden of showing that the reference teachings establish a *prima facie* case of obviousness. “In view of all factual information, the examiner must . . . make a determination whether the claimed invention ‘as a whole’ would have been obvious at that time to that person.” MPEP § 2142 (explaining that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious”). In making that determination, the Examiner must consider every word in each claim. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Recently, the Supreme Court indicated that “it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art . . . to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, 127 S. Ct. 1727 (2007). However, if the references do not “expressly or impliedly

suggest the claimed invention,” the examiner must present “a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” MPEP § 706.02(j) and § 2142, quoting *Ex parte Clapp*, 227 USPQ 972, 972 (Bd. Pat. App. & Inter. 1985).

C. Rejection of Claims 79-128 Huang et al., U.S. Patent No. 6,571,245 in view of Vincent, U.S. Patent No. 4,881,179

Claims 79-128 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang et al., U.S. Patent No. 6,571,245 (hereinafter, “Huang”) in view of Vincent, U.S. Patent No. 4,881,179 (hereinafter, “Vincent”). As the asserted combination of references fails to teach or suggest each of the recitations of claims 79-128, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections thereto.

1. Claims 79-128

The invention recited in the pending claims is fundamentally different from the cited art of record, and consequently, the cited art of record fails to render any of the pending claims obvious. “[T]he question under 35 U.S.C. 103 is . . . whether the claimed invention as a whole would have been obvious.” MPEP 2141.02(I), citing *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Each of the independent claims 79, 91, 103, and 116 has been amended herein to clarify that the step of storing a plurality of items in a file system of an operating system, as recited in each independent claim, means storing the “plurality of files in a file system of an operating system located on a user’s computing device.” The invention recited in the pending claims is directed to sharing items that are stored on a user’s computing device. The asserted combination of references fails to teach or suggest this important aspect of the claimed invention.

Huang's teachings are fundamentally different than the invention recited in the claims. Huang discloses a virtual computing environment that "is supported by a network of servers." *Huang*, col. 2, lines 17-20. In direct contrast to the claimed methods of sharing items stored on a user's computing device, Huang's virtual desktop provides access to items that are maintained in databases housed on network servers. *See, e.g., Huang*, col. 4, lines 31-67 (explaining that "[b]ackend servers 260 [] couple to a bus 262 that also interconnects a viewer converter 270, an e-mail server 272, a database server 276, a file server 280, and an application server 290") (emphasis added); *see, also, Id.* at col. 7, lines 57-65; col. 8, lines 36-62; col. 8, line 64 – col. 9, line 6; col. 9, lines 35-38; col. 11, lines 10-14, 50-67; and col. 12, lines 1-37. Huang fails to teach or suggest storing items in a file system of an operating system on a user's computing device and sharing those items with others.

Moreover, attempts to modify Huang with other references to show that the claimed invention is obvious likely will be ineffective because Huang explicitly teaches away from the claimed invention. Huang indicates that the important aspect of sharing items stored on a user's computing device would have been impossible. *Huang*, col. 8, line 67 – col. 9, line 3 ("[B]ecause the files are maintained in a network environment, the invention provides other file manipulation capabilities not available on the desktop PC, including file sharing, access control, and others.") (emphasis added). Thus, Huang expressly teaches away from the claimed invention and specifically fails to teach or suggest storing items in a file system of an operating system on a user's computing device and sharing those items in the manner recited in the claims. Additionally, nothing in Vincent remedies Huang's inapplicability to the present invention, nor is it relied upon as doing so.

Accordingly, it is respectfully submitted that Huang and Vincent, whether taken alone or in combination, fail to teach or suggest all of the limitations of amended independent claims 79, 91, 103, and 116, and that these claims are not obvious in view of the asserted combination of references. Each of claims 80-90 depends, either directly or indirectly, from amended independent claim 79; each of claims 92-102 depends, either directly or indirectly, from amended independent claim 91; each of claims 104-115 depends, either directly or indirectly, from amended independent claim 103; and each of claims 117-128 depends, either directly or indirectly, from amended independent claim 116. Accordingly, it is respectfully submitted that, based on their respective dependency from claims 79, 91, 103, and 116, claims 80-90, 92-102, 104-115, and 117-128 are nonobvious over the asserted combination of references for at least the above-cited reasons. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.”); *see also* MPEP § 2143.03. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 79-128 is respectfully requested.

2. Claims 79-90

Independent claim 79, as amended herein, recites in part, “creating via the operating system a data object corresponding to a virtual folder representing one or more of the plurality of items stored in the file system on the user’s computing device, wherein the virtual folder comprises a location-independent view that exposes said one or more items, and further wherein the location-independent view is based on metadata associated with the one or more items;” “displaying via the operating system the data object corresponding to the virtual folder representing one or more of the plurality of items stored in the file system, wherein said virtual folder is navigable according to one or more arbitrary parameters independent of said file

system;” and “receiving via the operating system a user request to share one or more of the plurality of items in the file system that are represented by the virtual folder with one or more sharees, wherein sharing the one or more items comprises allowing the one or more sharees direct access to the user’s computing device on which the one or more items are stored.” Huang fails to teach or suggest any of the above-cited claim elements, including, for example, creating and displaying a data object corresponding to a virtual folder, wherein the virtual folder comprises a location-independent view of one or more items based on metadata associated with the items. Huang fails to teach or suggest a virtual folder that is navigable according to arbitrary parameters independent of the file system. Huang also fails to teach or suggest allowing direct access to the user’s computing device on which the items are stored.

To the contrary, Huang discloses “a virtual desktop in a virtual computing environment . . . supported by a network of servers coupled to the Internet.” *Huang*, col. 2, lines 16-21. Huang does not teach or suggest providing location-independent views of items via the virtual desktop. The claimed location-independent views allow a sharee to view representations of items maintained on the user’s computing device according to the sharee’s preferences. *See generally, Specification*, p. 16, line 7 – p. 17, line 14. That is, a sharee can reorganize the displayed views of items on the user’s computing device such that items are displayed as classified and organized according to the sharee’s desired parameters, and are not limited to the organization of the items maintained on the user’s computing device. *See, id.*

Huang teaches away from such an arrangement, as Huang discloses the use of a virtual desktop environment to access copies of items on a user’s computer in an environment that appears identical to the computer’s actual environment. “[I]t is highly desirable and efficient to provide a ‘virtual’ computing environment such that the user sees the same desktop

with which the user is accustomed, has access to the same applications and files, and enjoys the same amenities regardless of the computer system on which the user gains access.” *Huang*, col. 1, lines 35-40 (emphasis added). Additionally, there is nothing in *Huang* that indicates contemplation of providing location-independent views of the items on a user’s computer. It follows that *Huang* fails to teach or suggest such virtual folders that are navigable according to one or more arbitrary parameters independent of the file system. Thus, *Huang* fails to teach or suggest these elements as recited in amended independent claim 79.

Additionally, *Vincent* fails to cure the deficiencies of *Huang* in this regard. *Vincent* discloses “methods for maintaining electronic calendars for end users in a multi-terminal data processing system and in particular . . . a method of controlling the unauthorized disclosure of classified data that is used to describe an event that has been calendared.” *Vincent*, col. 2., lines 18-23. There is nothing in *Vincent* that teaches or suggests providing sharees with location-independent views of items on a user’s computing device as recited in the claims.

Moreover, *Huang* fails to teach or suggest sharing items on a user’s computing device by “allowing the one or more sharees direct access to the user’s computing device on which the one or more items are stored.” To the contrary, *Huang* discloses providing access to items in folders maintained by the network. *Huang* further discloses the use of a synchronization folder that holds modified items such as files and updates the items on the user’s computer by synchronizing the modified items with the items stored on the computer. *See, Huang*, col. 11, line 50 – col. 12, line 38. “The communications between the PC desktops and the virtual desktop is coordinated by a file synchronization application.” *Id.* at col. 11, lines 51-53. “[T]he file synchronization application exchanges with the file server information pertaining to the items in the sync folder. Files are then transferred and updated based on the exchanged information”

Id. at col. 12, lines 5-9. Thus, Huang fails to teach or suggest sharing items by allowing direct access to the items on the user's computer. Additionally, Vincent fails to cure the deficiencies of Huang in this regard.

Accordingly, it is respectfully submitted that Huang and Vincent, whether taken alone or in combination, fail to teach or suggest all of the limitations of amended independent claim 79 and that this claim is not obvious in view of the asserted combination of references. Each of claims 80-90 depends, either directly or indirectly, from amended independent claim 79. Accordingly, it is respectfully submitted that, based on their dependency from claim 79, claims 80-90 are nonobvious over the asserted combination of references for at least the above-cited reasons. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) ("If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious."); *see also* MPEP § 2143.03. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 79-90 is respectfully requested.

3. Claims 91-102

Independent claim 91, as amended herein, recites in part "displaying via the operating system a data object corresponding to a virtual folder representing one or more of the plurality of items stored in the file system, wherein the virtual folder comprises a location-independent view that exposes said one or more items, and further wherein the location-independent view is based on metadata associated with the one or more items."

As discussed above with respect to amended independent claim 79, the asserted combination of references fails to teach or suggest displaying location-independent views of items on a user's computer as recited in claims 79 and 91. Accordingly, it is respectfully submitted that Huang and Vincent, whether taken alone or in combination, fail to teach or

suggest all of the limitations of amended independent claim 91 and that this claim is not obvious in view of the asserted combination of references. Each of claims 92-102 depends, either directly or indirectly, from amended independent claim 91. Accordingly, it is respectfully submitted that, based on their dependency from claim 91, claims 92-102 are nonobvious over the asserted combination of references for at least the above-cited reasons. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.”); *see also* MPEP § 2143.03. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 91-102 is respectfully requested.

4. Claims 103-115

Independent claim 103, as amended herein, recites in part, “receiving at the operating system a request to share one or more of the items represented by the virtual folder with one or more sharees, wherein sharing the one or more items comprises allowing the one or more sharees direct access to the user’s computing device on which the one or more items are stored.” As discussed above with reference to independent claim 79, the asserted combination of references fails to teach or suggest sharing items by providing direct access to user’s computing device.

Accordingly, it is respectfully submitted that Huang and Vincent, whether taken alone or in combination, fail to teach or suggest all of the limitations of amended independent claim 103 and that this claim is not obvious in view of the asserted combination of references. Each of claims 104-115 depends, either directly or indirectly, from amended independent claim 103. Accordingly, it is respectfully submitted that, based on their dependency from claim 103, claims 104-115 are nonobvious over the asserted combination of references for at least the above-cited reasons. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (“If an

independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.”); *see also* MPEP § 2143.03. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 103-115 is respectfully requested.

5. Claims 116-128

Independent claim 116, as amended herein, recites in part, “storing a plurality of items in a file system of an operating system located on a user’s computing device” and in response to receiving a sharing request to share one of the items with one or more sharees, “setting by the operating system user-access permissions on the one or more shared virtual folder items in the file system, the user-access permissions designating permission levels for the one or more sharees on the one or more shared virtual folder items.” As discussed above with reference to claims 79-128, the asserted combination of references fails to teach or suggest sharing items that are stored on a user’s computer.

Accordingly, it is respectfully submitted that Huang and Vincent, whether taken alone or in combination, fail to teach or suggest all of the limitations of amended independent claim 116 and that this claim is not obvious in view of the asserted combination of references. Each of claims 117-128 depends, either directly or indirectly, from amended independent claim 116. Accordingly, it is respectfully submitted that, based on their dependency from claim 116, claims 117-128 are nonobvious over the asserted combination of references for at least the above-cited reasons. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.”); *see also* MPEP § 2143.03. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 116-178 is respectfully requested.

Applicants respectfully submit that each of claims 79-128 is believed to be in condition for allowance and such favorable action is requested.

CONCLUSION

For at least the reasons stated above, claims 79-128 are in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jgolian@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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